

Chapter 6A

GENERAL REQUIREMENTS FOR SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS AND PLATS

- 6A.1 General Requirements**
- 6A.2 Improvement Guarantees**
- 6A.3 Pre-Construction Meeting**
- 6A.4 Site Debris**
- 6A.5 Monument Standards**
- 6A.6 Site Grading and Excavation**
- 6A.7 Off-site Improvements**
- 6A.8 Easements**
- 6A.9 General Subdivision Procedures**
- 6A.10 Vacations**
- 6A.11 Variations**
- 6A.12 Waivers of Submittal Requirements**
- 6A.13 Appeals of Subdivision and PUD Decisions**
- 6A.14 Recording a Final Plat**
- 6A.15 Final Plat Changes**

6A.1 General Requirements

6A.1.1 Authority

The regulations set forth herein are adopted pursuant to the authority delegated to municipalities in Chapter 765, Act 205 entitled “Plat Act”, of the 2004 Illinois Compiled Statutes, as revised and pursuant to the City’s home rule authority. Specifically excepted from the provisions of this Chapter are those instances enumerated in said Plat Act where its provisions do not apply and where no subdivision plat is required, including:

- A. The division or subdivision of land into parcels or tracts of five (5) acres or more in size which does not require any new streets or easements for access.
- B. The division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access.
- C. The sale or exchange of parcels of land between owners of adjoining and contiguous land.
- D. The conveyance of parcels of land or interests therein for use as a right of way for railroads or other public utility facilities and other pipe lines which does not involve any new streets or easements of access.
- E. The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access.

- F. The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with a public use.
- G. The conveyance of land made to correct descriptions in prior conveyances.
- H. The sale or exchange of parcels or tracts of land following the division into no more than 2 parts of a particular parcel or tract of land existing on July 17, 1959 and not involving any new streets or easements of access.
- I. The sale of a single lot of less than 5 acres from a larger tract when a survey is made by an Illinois Registered Land Surveyor; provided, that this exemption shall not apply to the sale of any subsequent lots from the same larger tract of land, as determined by the dimensions and configuration of the larger tract on October 1, 1973, and provided also that this exemption does not invalidate any local requirements applicable to the subdivision of land.

6A.1.2 Jurisdiction and Applicability

- A. The layout, design, and engineering of all subdivision/PUD improvements shall comply with the provisions of these regulations and other applicable county, state, and federal requirements, except as may be varied or waived in accordance with the provisions of this Ordinance. No person may subdivide land except in accordance with this Ordinance and with applicable laws of the State of Illinois.
- B. Pursuant to the authority granted under the provisions of the Illinois Municipal Code (65 ILCS 5/11.12-4 through 5/11.12-12) the regulations set forth herein shall apply to any division of land within the City of Woodstock and to any division of land within one and one-half miles of the incorporated limits of the City of Woodstock. No land within the territorial jurisdiction of the City shall be subdivided or re-subdivided, and no subdivision heretofore platted shall be vacated unless approved by the City Council in accordance with procedures set forth herein. Exceptions to this provision may be approved by the City Council or authorized through the adoption of an intergovernmental agreement.
- C. Except has provided for in Chapter 5 (Planned Unit Developments) of this Ordinance or elsewhere in this Ordinance, the regulations and procedures set forth herein shall apply to PUD projects and the subdividing of land within the City.

Commentary:

A petition for approval of a Planned Unit Development, as discussed in Chapter 5 of this Ordinance, is processed in accordance with the same submittal and content requirements of a subdivision. All planned unit developments, unless otherwise provided for, must comply with the requirements of Chapters 6A, 6B, and 6C. The subdivision/PUD regulations set forth in this Ordinance provide for the flexible review of development proposals and the ability to obtain relief from the specific requirements of the zoning and platting requirements, where such relief would result in a better project or increased benefit for the City.

- D. No building permit for a structure shall be issued for any parcel or lot created by subdivision after the effective date of this Ordinance, unless said parcel or lot is in conformity with the provisions of this Ordinance. No construction of any public or private improvements required by this Ordinance shall take place or commence except in conformity with these regulations.
- E. Land divisions specifically exempted by the Plat Act are also exempt from this Chapter except where a new parcel is created entirely or partially from the division of one or more existing lots or parcels. In this instance, a plat of survey shall be prepared and signed by a registered Illinois Land Surveyor and shall be submitted to the Community Development Director who shall review it to determine conformance with the City's zoning regulations. Such a plat shall not be recorded until approved by the Community Development Director.

6A.1.3 Major and Minor Subdivisions

- A. A major subdivision/ PUD shall be processed in accordance with Chapter 6B and Chapter 6C of this Ordinance.
- B. A minor subdivision/PUD shall be processed in accordance with Chapter 6C of this Ordinance.

6A.2 Improvement Guarantees

6A.2.1 General Standards

Improvement and payment guarantees are required to ensure the safe, timely, and proper installation and maintenance of required public and site improvements in the City. The type and duration of the guarantee is structured to achieve this goal without adding unnecessary costs for either the developer or the City. Prior to the recording of a final plat, a plat of resubdivision, the start of improvement construction, and the issuance of building permits, the developer shall post a letter of credit, bond, or cash escrow ("Performance Guarantee") with the City to guarantee the construction of all required public and site improvements. The term "letter of credit" when used in this Ordinance may be used interchangeably with the term "bond" only to the extent required by 30 ILCS550/3. (Ordinance Number 09-O-64, adopted October 20, 2009).

6A.2.2 Cash Escrow Requirements

- A. **Establishing Account.** An escrow account in the amount required shall be established with a financial institution located in the State of Illinois (*hereinafter referred to as the escrowee*) which is acceptable to the City Attorney. The account shall be administered by the escrowee in accordance with the provisions of an escrow agreement negotiated by the City and the owner or developer and approved by the City Attorney. Such agreement shall contain provisions for specific application of such funds, partial contract payouts, contract retention percentages until completion, the prorated reduction of deposit excess, final escrow settlement, and other pertinent administrative matters as may be required.
- B. **Fund Disbursement.** The escrowee shall disburse funds from time to time for the purposes provided upon presentation of and in accordance with a reduction request issued by the owner's engineer and approved by the City Engineer. Such disbursements shall

not be subject to approval or disapproval by the owner or escrowee or their agents other than said owner's engineer. Each reduction request shall be accompanied by all appropriate sworn statements, affidavits and supporting waivers of lien in full compliance with the Illinois Mechanics Lien Act.

6A.2.3 Letter of Credit and Bond Requirements

- A. **Form of Letters of Credit.** Any Letter of Credit and any Maintenance Guarantee Letter of Credit provided under this Chapter 6A shall be in a form satisfactory to the City Attorney, and shall be from a bank acceptable to the City having capital resources of at least \$50,000,000, with an office in the Chicago Metropolitan Area and insured by the Federal Deposit Insurance Corporation. Each letter of credit shall, at a minimum, provide that (1) it shall expire no earlier than the later of one year following the date of its issuance (unless a longer period is required by the City) and 45 days after delivery to both the City Manager and City Attorney of written notice that such letter of credit will expire; (2) it may be drawn on by the City based upon the City Engineer's certification that the developer has failed to fulfill any of the obligations for which the letter of credit is security; (3) it shall not require the consent of the developer prior to any draw on it by the City; (4) it shall not be cancelled without the prior written consent of the City; and (5) if at any time it will expire within 45 or any lesser number of days, and if it has not been renewed, and if any obligation of the developer for which it is security remains uncompleted or unsatisfactory, then the City, without notice and without being required to take any further action of any nature whatsoever, may call and draw down the letter of credit and thereafter either hold all proceeds as security for the satisfactory completion of all such obligations or employ the proceeds to complete all such obligations and reimburse the City for any and all costs and expenses, including legal fees and administrative costs, incurred by the City, as the City shall determine.
- B. **Performance Bonds.** If a performance bond is used as the Performance Guarantee, the form attached as Appendix B shall be used. Any modifications to or deviation from this form are subject to review and approval by both the City Attorney and City Manager.

6A.2.4 Performance Guarantee Reductions

Reductions in the amount of the Performance Guarantee may be initiated by the developer or the City. If initiated by the developer, the reduction request shall be in written form and shall include copies of plans, cost estimates, test reports, certifications, construction schedules and/or other documentation as required by the City Engineer to justify the request. Upon receipt of a request to reduce the amount of the Performance Guarantee, the City Engineer shall inspect the improvements guaranteed under the Performance Guarantee. If the inspection is successful, the City Engineer may approve the partial or full release of funds or the return of a Letter of Credit in writing. If the inspection is unsuccessful, the developer shall be responsible for correcting all deficiencies and/or addressing all items needing corrective action as determined by the City Engineer.

6A.2.5 Insufficient Fund Balance or Inadequate Performance Guarantee

If, at any time before the construction of all required improvements is completed or before the Maintenance Guarantee period has lapsed either:

- A. the Performance Guarantee is not sufficient, in the sole judgment of the City Engineer, to cover:
- 1) the cost of construction of required public and site improvements and all unpaid or reasonably anticipated City engineering and inspection costs; or
 - 2) the unpaid costs of correcting any and all defects and deficiencies in those required public and site improvements and all unpaid or reasonably anticipated City engineering and inspection costs; or
- B. by reason of any order, decree or writ of any court, or for any other reason, the undisbursed fund balance or bond amount is withheld, diminished or otherwise unavailable for the purposes provided herein, or the City determines that the bank issuing either the Performance and Payment Letter of Credit or the Maintenance Guarantee Letter of Credit is without capital resources of at least \$50,000,000, is unable to meet any federal or state requirement for reserves, is insolvent, is in danger of becoming any of the foregoing, or is otherwise in danger of being unable or unwilling to honor such letter of credit at any time during its term, or if the City otherwise reasonably deems itself to be insecure,

then within 10 days following a demand by the City, the developer shall increase the balance to such amount as required by the City for such purposes or shall provide such guarantee of performance as may be required by the City including, if necessary in the City's opinion, a replacement letter of credit from a bank satisfactory to the City. Failure to so increase the Performance Guarantee shall be grounds for the City to draw down or call upon the entire remaining Performance Guarantee.

6A.2.6 Guarantee Amount

The amount of the Performance Guarantee shall be sufficient to cover all construction costs and the applicant's engineering and inspection costs.

- A. Such Performance Guarantee shall be in the following minimum amounts unless the applicant can show that certain of the costs have already been paid:
- 1) Construction Cost: One hundred ten (110) percent of the estimated construction cost prepared by the applicant's engineer and as approved by the City Engineer, plus
 - 2) City Engineering and Inspection Costs: To be paid for separately by the developer and or owner prior to beginning any work. The fee shall be equivalent to seven (7) percent of the construction cost estimate prepared by the applicant's engineer and approved by the City Engineer. The City Engineer may, upon good cause and at his/her discretion, require a fee of less than seven (7) percent.

6A.2.7 Time Limits

All Performance Guarantees shall provide that if required improvements are not installed within two (2) years of the date of recording of a final plat, the City Engineer may deem the developer in default and proceed in accordance with the provisions outlined under the following section entitled "Default". In the event the City Engineer determines that the developer has failed to install proposed improvements in accordance with the approved plans and specifications or has

failed to comply with the terms of the aforesaid guarantees, the City Engineer may advise the applicant of failure in writing and give thirty (30) days to cure such default (unless a lesser period is authorized elsewhere in this UDO). If the developer fails to cure said default, the City may at its option, declare applicant in default and, upon written notification to escrowee and/or financial institution or bond company of such declaration of default, all funds on deposit or guaranteed pursuant to the Performance Guarantee shall be disbursed to the City.

6A.2.8 Maintenance Guarantee

The developer shall guarantee all public improvements against defects in materials and workmanship for a period of eighteen (18) months from the date of acceptance of public improvements or approval of private improvements which, during said eighteen (18) month period may become damaged or deficient due to defective materials or workmanship or otherwise. No maintenance period shall end between the first day of November and the first day of April. Final inspections prior to the release of maintenance guarantee funds will be conducted between the first day of April and the first day of October. (Ordinance Number 09-O-64, adopted October 20, 2009).

6A.2.9 Conditions of Maintenance Guarantee

The developer shall establish a cash escrow account or provide a letter of credit in an amount equal to ten (10) percent of the final construction costs of public improvements. The purpose of such cash escrow account or letter of credit is to guarantee the availability of funds to replace defective materials within the limits of the improvements. Said escrow account or letter of credit shall remain in force for an eighteen (18) month maintenance period and shall be available for use by the City to implement repairs deemed necessary for public safety and which the applicant has neglected to repair within forty-eight (48) hours of notification. Disbursements from the cash escrow account or pursuant to the letter of credit shall be made solely upon the direction of the City and shall not be subject to approval or disapproval by the applicant or escrowee or the financial institution issuing the letter of credit or their agents.

6A.2.10 Return of Funds

Within forty-five (45) days following the eighteen (18) month maintenance period and upon acceptance of said improvements and upon receipt of a written request, the City will return remaining funds to the financial institution which supplied the escrow funds or return the letter of credit. (Ordinance Number 09-O-64, adopted October 20, 2009).

6A.3 Pre-Construction Meeting

- A. Prior to starting the installation of required subdivision/PUD improvements a pre-construction meeting shall be held with the City Engineer to inform the developer of the City's ordinances, regulations, policies, and requirements pertaining to such construction. The pre-construction meeting should be attended by the developer's engineer, site contractor, and site inspector.
- B. Items discussed during the pre-construction meeting shall include the following: permitted hours of construction, siltation fencing and erosion control, required improvement inspections and reports, maintenance of public improvements, site access, tree protection and preservation, off-site deposition of dirt and debris, the placement of

dirt, debris, and/or construction material on public right-of-way, construction vehicle and equipment access routes, materials to be used, and emergency contacts. The cost of conducting required inspections for any public improvements, whether said inspections are conducted by City personnel or by the developer's site inspector, shall be the responsibility of the developer.

- C. Building permits for new construction shall not be issued until required public improvements are installed and serve the building site. Such public improvements shall include sanitary sewer, storm sewer, potable water, stormwater detention and management, and a paved street surface, i.e., binder course. Permission may be granted by the Community Development Director to begin installation of building footings, foundations, and underground plumbing and sewer improvements, and similar building features prior to the installation of said public improvements and in order to avoid restrictions which may occur due to inclement or seasonal weather conditions. Such activity, however, is done entirely at the owner's risk.

6A.4 Site Debris

The developer shall be responsible for containing and securing on the site, and for removing from the site, undergrowth, debris, rubbish, trash, excess dirt, or any other unsightly materials upon the development site, including that, which is generated by construction and development activity. Such materials shall not be burned on the site. Treatment and disposal of sanitary and industrial wastes shall be in conformity with the published standards of the State of Illinois. (Ordinance Number 09-O-64, adopted October 20, 2009).

6A.5 Monument Standards

Each new subdivision and PUD shall be provided with monuments located on the subject site and described on the final plat.

- A. Reference must be made upon the plat to known and permanent monuments from which future surveys may be made.
- B. The surveyor must, at the time of making his survey, set in such manner that they will not be moved by frost, monuments marking the external boundaries of the tract to be divided or subdivided and must designate upon the plat the point where they may be found. These monuments shall be placed at all corners, at each end of all curves, at the point where a curve changes its radius, at all angle points in any line, and at all angle points along a meander line, the points to be not less than 20 feet back from the normal water elevation of a lake or from the bank of a stream; except that when such corners or points fall within a street, or proposed future street, the monuments must be placed in the right-of-way line of the street. Two of the monuments must be of stone or reinforced concrete and must be set at opposite extremities of the property being platted. One such monument shall be marked with a U.S.G.S. elevation established by the surveyor and its location and elevation shown on the plat.
- C. All internal boundaries, corners and points must be monumented in the field. These monuments must be placed at all block corners, at each end of all curves, at the points where a curve changes its radius, and at all angle points in any line. All lots must be monumented in the field with 2 or more monuments.

- D. The aforesaid monument standards may be altered by the City Engineer based on factors unique to a development site or if alternative monument standards are determined to be acceptable by the City Engineer.

6A.6 Site Grading and Excavating

No grading, excavating, or filling of a subdivision/PUD site shall commence until applicable improvement guarantees have been provided and a pre-construction meeting held. Plans for grading, excavating, and filling shall be prepared and constructed in accordance with the specifications of the City.

The mass grading of development sites is limited to between 20 and 40 acres at any one time. Large developments shall stabilize areas of up to 40 acres that are graded before proceeding with subsequent grading activity. Areas of the site that have been rough-graded, but will not be subject to immediate building and development activity shall be seeded to lessen wind, soil, and water erosion.

Buffers installed to protect natural resources and amenities, or buffers which are located in close proximity to or abut such natural resources and amenities, shall be planted and stabilized prior to the start of grading activity.

6A.7 Off-Site Improvements

The Plan Commission may recommend and the City Council may require the installation of off-site improvements. Such improvements may include, but are not limited to streets, sidewalks, and public utilities. The need for such improvements shall be specifically attributable to the proposed subdivision/PUD unless the development site is the subject of a proposed annexation agreement, in which case the terms of such agreement shall apply and have precedence.

6A.8 Easements

- A. Easements shall be provided for all utilities, floodplains, drainage ways, detention and/or retention facilities, similar features, and when necessary, for ingress and egress.
- B. Easements shall include a provision prohibiting the placement of above ground utilities.
- C. Easements shall include a provision prohibiting the placement of trees, shrubs, bushes, fences, sheds, or other similar features and encroachments, without the approval of the City Engineer.
- D. Easements for public utilities shall have a minimum total width of at least twenty (20) feet unless a lesser width is approved by public utility companies using the easement and/or the City.
- E. Language describing an easement shall be approved by the Community Development Director or City Engineer, and be prepared in a form suitable for recording with the McHenry County Recorder.

6A.9 General Subdivision and PUD Procedures

6A.9.1 Purpose

The purpose of this Section is to set forth the process for obtaining subdivision/PUD approval and to provide a description of required documents and materials which must be submitted in order for the City to review and verify compliance with the standards and specifications set forth herein and elsewhere in this Ordinance.

6A.9.2 Application

Application for subdivision/PUD approval shall be made on forms provided by the City and shall be accompanied by required documents and materials, as well as required filing fees and development review fees. Detailed material and other information, including public hearing requirements, specified by this Chapter shall be required for the various meetings and at such times as prescribed by the Community Development Director. Each step shall be reviewed and certified by the Community Development Director as being in accordance with the requirements of this Chapter. Specific procedures and content requirements for subdivision/PUD approval are set forth in Chapters 6B and 6C. Additional standards for PUD projects are set forth in Chapter 5 of this Ordinance.

As noted in Section 1.9 of this Ordinance, when an application pertaining to land depicted as “resource conservation” or “resource conservation corridor” in the City’s comprehensive planning documents, or for land that is characterized by sensitive natural resources, is submitted for subdivision/PUD approval, compliance with the conservation design standards and requirements set forth in Chapter 8 of this Ordinance is required unless waived by the Plan Commission.

6A.9.3 Owner/Applicant

An application for subdivision or PUD approval may be filed by the owner of the subject property or by the owner’s authorized representative. A contract purchaser of the subject property may be designated as the owner’s authorized representative.

6A.10 Vacations

This section establishes required approval procedures for vacating plats, streets, alleys, easements, public places, or parts thereof.

Commentary:

To implement the goal of protecting sensitive natural resources, these regulations encourage subdivision/planned unit development design that preserves natural resources and other significant environmental features. The following step-by-step “conservation design” process provides guidance in designing developments which acknowledge the importance of ecologically sensitive resources and the need to maintain and protect environmental amenities and features of a site.

The foremost factor to consider when developing property is the land. The first step is to identify all natural resources (floodplain, wetlands, lakes, ponds, channels and other water bodies, steep slopes, mature and young woodlands and significant trees, meadows and prairies, and soil types) that are

present on the site. Significant vistas and scenic areas that are present on the property and worthy of preservation should also be identified.

This step will provide an indication of areas that are free of sensitive natural resources and other significant features where building and development activity should occur on a property. The McHenry County Soil and Water Conservation Service maintains information that may be used initially to identify the natural resources and conservation areas at the pre-application stage of the subdivision approval process.

The second step is locating building sites. Once natural and conservation areas are identified, building sites should be located to take advantage of open space and scenic views. Smaller lot areas and smaller lot widths which maximize the number of lots facing natural and conservation areas should be considered in order to provide more efficient use of the usable land.

After open space and conservation lands have been identified and building locations established, the third step is to design the street and circulation network to provide access to building sites and to allow movement throughout the subdivision. The street layout should avoid sensitive natural resources such as wetlands, woodlands, significant tree stands, and wildlife habitats, and should be designed to take advantage of open space vistas. Interconnection of internal streets and street connections to adjoining lands should be provided to create opportunities for future connectivity.

The fourth step, after conservation areas are identified, building sites established, and streets located, is to establish lot lines. A mix of building styles and uses will allow for flexible lot sizes and design, and enable a subdivision to take maximum advantage of conservation subdivision concepts

The fifth and final step in this process is to determine how each building site can be served by essential public utilities. This may require innovation on the part of the engineering professional in order to provide utility service while protecting natural resources and amenities.

Additional information regarding the protection and preservation of natural resources can be found in Chapter 8 (Conservation Design Standards and Regulations) and Exhibit I (Conservation Subdivision Design).

6A.10.1 Authority to Initiate

The following groups and individuals shall have standing to file an application for vacation:

- A. The owner of the property that is the subject of the vacation request;
- B. The City Council;
- C. Property owners adjoining public street right-of-way that is the subject of the vacation request. The owners of property on both sides of the right-of-way to be vacated are required to jointly file for the vacation of said right-of-way; and
- D. A bona fide association of property owners provided the association is properly registered with the State, is organized to receive, hold, and convey real property, and undertakes to develop the property for the use and benefit of the association in a manner that is compatible with the existing adjoining land uses.

6A.10.2 Applications for Vacation Approval

Applications for vacation approval shall be submitted to the City Engineer with required documentation. Applications for approval of a vacation may be filed and processed concurrently with other development applications.

6A.10.3 Requirements

A vacation application shall include but not be limited to the following items:

- A. Name and address of applicants.
- B. Name and address of owners of record of the property subject to the vacation request.
- C. Name and address of all owners of record of land adjoining the property subject to the vacation request.
- D. Legal description of property being vacated and plat of vacation showing how vacated land will be distributed to adjacent land owners.

6A.10.4 Distribution of Application

Upon receipt of a complete application for vacation the City Engineer shall obtain relevant input from affected reviewing individuals and agencies. If necessary, copies of the application shall be distributed to said individuals and agencies.

6A.10.5 City Council Review and Action

When public street right-of-way or public property is to be vacated, the City Council shall conduct a required public hearing on the proposed vacation. The City Council may require that the owner or owners of property abutting a platted area, street, alley, easement, public place, or part thereof proposed for vacation provide compensation in an amount which in the judgment of the City Council is equal to the benefits accrued to said owner or owners by reason of such vacation. An ordinance providing for such vacation may be approved or approved with conditions by the affirmative vote of the City Council.

6A.10.6 Recording

All approved ordinances providing for the vacation of all or part of said street, alley, or public place, or part thereof shall be recorded with the McHenry County Recorder.

6A.11 Variations

Where the City Council finds that there are hardships or practical difficulties that may result from strict compliance with the subdivision and PUD regulations of the City, or where as a practical matter said regulations are not applicable or necessary, or where better site design and development amenities will result, it may approve or approve with specific conditions, requested

subdivision variations or exceptions to the requirements of these regulations. Such variations or exceptions shall not, however, have the effect of nullifying the intent and purpose of these regulations. A petition for such a variation or exception shall be presented to the Plan Commission for a recommendation prior to the petition being presented to and acted upon by the City Council. Such a petition may be reviewed by the Plan Commission at the same time a preliminary plat or final plat is presented for review. A separate public hearing on such a variation is not required.

6A.12 Waivers of Submittal Requirements

In the event the Plan Commission determines that any of the items or materials required as part of an application are not necessary or applicable, the Commission may waive the requirement if the waiver is consistent with the purpose of these regulations and not required by State statutes. Such a waiver shall be reviewed at the same time a pre-application review submittal or preliminary plat is presented to the Plan Commission. A separate public hearing on such petition is not required. An appeal of the Plan Commission's determination regarding waivers of submittal requirements may be presented to the City Council by the developer and must be submitted for City Council consideration within no more than thirty (30) days of the Plan Commission's action.

6A.13 Appeals of Subdivision and PUD Decisions

Developers aggrieved by decisions or determinations of the Community Development Director or City Engineer regarding the subdivision of land or a PUD, and the improvements required therein, may appeal such decisions or determinations to the City Manager. A request for an appeal must be made in writing within twenty-one (21) days of the decision or determination. The City Manager may act to uphold or overturn the action of the Community Development Director or City Engineer. If aggrieved by the City Manager's decision regarding such appeal, the developer may appeal to the City Council.

6A.14 Recording a Final Plat

Approval of a final plat shall be effective upon its recording with the McHenry County Recorder. Such recording shall occur no more than twelve (12) months after approval of the final plat by the City Council. Failure to record the final plat by this deadline shall require its full resubmittal before the Plan Commission and City Council. After the final plat is recorded, certified copies shall be submitted to the City. Final covenants or restrictions governing the use and maintenance of the subdivision shall be recorded at the same time that the final plat is recorded. In order to provide additional time in which to record a final plat, a one-time extension of final plat approval for up to one (1) year may be granted by the Community Development Director. Any additional extensions may only be granted by the City Council.

6A.15 Final Plat Changes

A subdivision or PUD shall be developed according to the approved and recorded final plat and all supporting data. The recorded final plat and supporting data, together with any and all recorded amendments, shall be binding on the applicants, their successors, grantees and assigns, and shall limit and control the use of the development site as set forth herein. Changes to the recorded final plat may be made as provided for herein.

6A.15.1 Major Changes

Major changes are changes which alter the concept or intent of an approved subdivision or PUD including, but not limited to, increases in density and/or the number of lots, and changes in road standards or location. A major change shall include the following:

- An increase in the number of dwelling units by more than 5 percent.
- An increase in the floor area devoted to non-residential uses by more than 5 percent.
- An increase in the impervious surface devoted to nonresidential uses by more than 10 percent.
- An increase in impervious surfaces by more than 10,000 square feet.
- A decrease in the amount of dedicated open space by more than 5 percent.

Such changes may only be approved by the submission of an amended final plat and by following applicable final plat procedures. All major changes to the final plat shall be recorded with the McHenry County Recorder as amendments to the final plat or as a new and corrected final plat. The Community Development Director shall determine what constitutes a “major change”. Major changes may require revisions to final engineering plans.

6A.15.2 Minor Changes

Minor changes are any changes that do not comprise a “major change.” Minor changes may include such activities as adding accessory structures or additions to principal structures or adjusting the location of principal structures in order to accommodate required site improvements, provided they do not meet the threshold for classification as a “major modification.” The Community Development Director, after consultation with the City Engineer regarding relevant site engineering issues and with the City Planner regarding applicable site appearance issues, may from time to time, approve minor changes within the project. The Community Development Director may approve minor changes in the final plat which do not change the concept or intent of the development or that are in conflict with the provisions and intent of this Ordinance.